

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3281 of 2014(O&M)
Date of Order:16.11.2018

DALIP KUMAR

..Appellant

Versus

SUMAN DEVI

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jasmail Singh Brar, Advocate,
for the appellant.

ANIL KSHETARPAL, J (Oral)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court.

Dispute in the present case is with respect to a passage claimed by the plaintiff on the basis of a deed of exchange dated 17.08.1999.

Learned first appellate court has held that such deed of exchange being unregistered is not admissible in evidence. Still further pursuant to the deed of exchange, even revenue record has not been got changed.

Defendant is admittedly owner of the property in dispute, which is claimed to have been received in exchange.

As per Section 17 of the Registration Act,1908 a deed of exchange is compulsorily required to be registered. No doubt, in the States of Punjab, Haryana and Chandigarh, an oral exchange is permissible as relevant provisions of the Transfer of Property Act, 1882 have not been extended. However, once the deed of exchange has been reduced into writing as relied upon by the plaintiff registration was compulsory, the

judgment of the first appellate court cannot be said to be suffering from any error.

Learned counsel for the appellant submitted that even if the deed of exchange is not admissible in evidence but still it can be seen for collateral purpose.

This court has considered the submission.

Once, it is a deed of exchange, the exchange of land itself cannot be called 'collateral purpose'. Hence, this court does not find any good ground to interfere.

The regular second appeal is dismissed.

November 16, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No